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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/453,393	05/30/95	SCHWAB B	VEI-01102703

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EXAMINER  
BOCCIO, V

ART UNIT	PAPER NUMBER
2712	20

DATE MAILED: 09/02/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/453,393

Applicant(s)

Schwab

Examiner

Vincent F. Boccio

Group Art Unit

2712

☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 6-8 and 11-13 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 6-8 and 11-13 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2712.

**Response to Amendment**

1. Applicant's arguments with respect to claims 6-8 and 11-13 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 6-7 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyata(US 5,095,196) in view of Schireck (US 5,306,049).

Regarding claim 6, Miyata discloses a secure identification method comprising the steps of: {A} capturing a first graphical representation of a subject at a first data terminal; and {B} transferring the first graphical representation of the subject to a centralized computer located remotely from the first data terminal(see col. 5, lines 59-66, see "distributed data base and key data", col. 8, lines 26-27, "...the height of the ID card owner, which is also registered in the data base 70 when the card was issued."), {C} receiving and storing the first graphical representation or information(see height, image etc) of a

subject(5 or 12) and {D} associating the graphical representation with at least one computer activation datum(see Figs. 2, "Remote data base 9", for storing captured graphical representations, Fig. 3 A, "Camera-26", image scanner-27 for scanning the recorded information on the card, Fig. 5, "Remote data base 70", and see abstract, "The system has **a data base** storing registered data including **a video image of the registered ID card owner.**").

Miyata further discloses with respect to Figs. 5-6, additional steps of: {E} receiving a request from a user at a secondary data terminal requiring authentication, the second terminal being located remotely from the centralized computer(see Fig. 6); {F} inputting, at the second data terminal(see Figs. 5-6), a second graphical representation of the subject(see Fig. 6, step-S 5, "Need Imaging" or Fig. 10, "Height"); {G} activating the centralized computer with an activation card(Fig. 1, "card-1"), to download stored information from the centralized computer(see Fig. 6, steps-S 4 and S 9, if the remote location HDD memory fails to posses the data associated with the card information, the system attempts to obtain the information from the "Remote Data Base-70", if available, with respect to Fig. 5); {H} downloading, from the centralized computer, information representative of the previously stored first graphical representations of the subject(see Fig. 6 A, step S 9 "Searching in remote data base", step S 11 "Send Data" and step S 12 "Store

data in HDD"); {I} comparing(see Fig. 6 B, step S 16 "Are they same?"), at the location of the second data terminal(see Figs. 2 and 5, which clearly show the examiner-12 and the subject-5 at the same remote terminal or same location to compare and determine authorization to enter) the first and second graphical representations of the subject(see Figs. 6 B and 11); {J} authenticating the user if the first and second graphical representations are substantially the same(see Fig. 6 B, step S 16, "Are they same", determination "Yes", step S 17 to branch of method steps "B" to Fig. 6 A, steps S 6 and S 7 allowing entry); {K} wherein the graphical representations of the subject includes at least one, physical trait of the subject, (wherein, Miyata discloses an image and height characteristics etc.).

Miyata discloses the utilization of previously recorded {1} image on a card(see Fig. 1 and Fig. 5, "card scanner-27"), (2) an image of the subject from a camera(see Fig. 5, "camera-26" and (3) the image retrieved from memory either located remotely or locally depending upon availability(see Fig. 7), wherein the examiner compares with respect to Fig. 7, the images to determine if the subject is authorized access.

It is noted by the examiner that claim 6, claims the limitation of, "the card only possessing activation means without graphical representations" but, Miyata strongly suggest an alternate embodiment see col. 9, lines 4-7, "It would be possible

not to record the registered height on the ID card-1, rather only record it in the data base 70, in order to discourage disclosure of the card owner's true height to a potential forger.". Miyata suggests by not recording a graphical representation of the subject on the card in order to discourage a potential forger.

Miyata discloses the claimed invention except for "the card only possessing activation means without graphical representations".

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to "not record the graphical representations of the subject on the ID card-1", since it has been held that omission of an element and its function in a combination where the remaining elements perform the same function as before involves only routine skill in the art. In re Karlson, 136 USPQ 184. Furthermore, in view of the strong suggestion providing additional motivation and support, from Miyata it is also considered obvious in view of Miyata to not record any graphical representations of the subject on the ID card having the advantage of discouraging a potential forger as taught by Miyata(see col. 9, lines 4-7).

Miyata discloses storing all registered subject/users in a remote data base but(see above), fails to particular disclose storing information of the subject in a relational database disposed at the location of the centralized computer.

Schireck teaches utilization of a relational database to store digitized images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Miyata by storing the received information in a relational data base as taught by Schireck in order to provide a more sophisticated means of tracking and recording the authentication of digitized files as taught by Schireck(see col. 2, line 66 to col. 3, line 5).

Regarding claim 7, Miyata fails to particularly teach or disclose that the second data terminal is the first data terminal. In view of the terminal as shown by Miyata in Fig. 3 A and/or Fig. 5 showing an example of a terminal having associated apparatuses for inputting trait of a subject for comparison, it is further considered obvious in view of Miyata that the first terminal and any duplicate of the terminal are functionally equivalent terminals and provide a means to input traits of a subject for comparison with previously obtained traits and/or to initially obtain traits for future access using a generated ID card from the obtained information.

Regarding claim 11, it is considered inherent that the subject being inanimate, because it is necessary for the image/subject be captured as still to be compared to allow the analysis to be performed and have repeatability.

Regarding claim 12, Miyata discloses storing at the first data terminal a database of subject graphical representations for the purpose of making localized comparisons (see Fig. 6 A, step S 3, "search in HDD").

Regarding claim 13, Miyata discloses a remote data base, but fails to particularly disclose having multiple data terminals to perform comparisons.

The examiner takes official notice that it is notoriously well known in access systems to have multiple access points.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Miyata by incorporating multiple remote terminals in operation with the remote data base in order to provide more than one access point to a government or private facility or location.

Furthermore regarding claim 13, Miyata fails to particularly disclose databases of the plurality of remote data terminals being encrypted to that a particular data terminal cannot interpret the database of another.

The examiner takes official notice that encrypting a data bases with different encryption coding or Key for the day/month/year or algorithms is well known to provide a high level of security.

Therefore, it is considered obvious to one of ordinary skill in the art at time of the invention to encrypt database



information of the plurality of remote data terminals to provide an additional security to protect against unauthorized users (computer hackers), which may gain access to the system, but would not be able to access encrypted image database information without an encryption code or key.

4. Claim 8 is rejected under 35 U.S.C. § 103 as being unpatentable over the combination Miyata(US 5,095,196) and Schireck(US 5,306,049) in view of Blonstein et al. (US 5,319,724).

Regarding claim 8, Miyata fails to disclose wherein the images stored in the centralized database are compressed.

Blonstein et al. teaches compression of still images utilizing JPEG.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Miyata by incorporating the JPEG still image compressing technique to images as taught by Blonstein et al. in order to decrease memory requirements for storage of images and would decrease transmission time of image files due to the reduction of the amount of data.

**Contact Fax Information**

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communication intended for entry)

**or:**

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**Contact Information**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent F. Boccio whose telephone number is (703) 306-3022.

If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Wendy Garber, can be reached at 703-305-4929.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703-305-3900.

V.F.B. VFB  
August 29, 1998

  
Wendy Garber  
Supervisory Patent Examiner  
Technology Center 2700